



RCE <sup>70</sup>

**REQUEST FOR CONTINUED EXAMINATION (RCE)  
TRANSMITTAL**

Address to: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450

Application No. 10/022,291  
Filing Date December 14, 2001  
First Named Inventor Samuel J. McKelvie et al.  
Art Unit 2157  
Examiner Name El Chanti, Hussein A.  
Attorney Docket No. 3399P071

**This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.**  
Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See instruction sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 C.F.R. § 1.114** – Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).
- a. ☐ Previously submitted If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.
- i. ☐ Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on \_\_\_\_\_  
(Any unentered amendment(s) referred to above will be entered. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.
- ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on \_\_\_\_\_
- iii. ☐ Other \_\_\_\_\_
- b. ☒ Enclosed
- i. ☒ Amendment/Reply
- ii. ☐ Affidavit(s)/Declaration(s)
- iii. ☐ Information Disclosure Statement (IDS)
- iv. ☐ Other \_\_\_\_\_
2. **Miscellaneous**
- a. ☐ Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months. Fee under 37 C.F.R. § 1.17(i) required)
- b. ☒ Other Fee Transmittal (in duplicate)
3. **Fees** The RCE fee under 37 C.F.R. § 1.17(e) is required by C.F.R. § 1.114 when the RCE is filed.
- a. ☐ The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 02-2666
- i. ☐ RCE fee required under 37 C.F.R. § 1.17(e)
- ii. ☐ Extension of time fee (37 C.F.R. §§ 1.136 and 1.17)
- iii. ☐ Processing fee under 37 CFR § 1.17(i) for Limited Suspension of Action
- iv. ☐ Other \_\_\_\_\_
- b. ☒ Check in the amount of \$ 790.00 enclosed
- c. ☐ Payment by credit card (Form PTO-2038 enclosed)
- WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED**

Name (Print/Type) Jordan M. Becker Registration No. (Attorney/Agent) 39,602  
Signature [Signature] Date April 10, 2007

**CERTIFICATE OF MAILING OR TRANSMISSION**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below:

Name (Print/Type) Andreas Radke  
Signature [Signature] Date April 10, 2007

Express Mail No. (only if applicable): \_\_\_\_\_

04/13/2007 SSESHE1 00000076 10022291 790.00 00  
01 FC:1801



**2. EXCESS CLAIM FEES****Fee Description****Large Entity**      **Small Entity**

| Fee  | Fee  | Fee  | Fee  |
|------|------|------|------|
| Code | (\$) | Code | (\$) |
| 1202 | 50   | 2202 | 25   |
| 1201 | 200  | 2201 | 100  |
| 1203 | 360  | 2203 | 180  |
| 1204 | 200  | 2204 | 100  |
| 1205 | 50   | 2205 | 25   |

| Fee  | Fee  | Fee  | Fee  | Fee Description  |
|------|------|------|------|--|
| Code | (\$) | Code | (\$) |  |
| 1202 | 50   | 2202 | 25   | Each claim over 20   |
| 1201 | 200  | 2201 | 100  | Each independent claim over 3                                    |
| 1203 | 360  | 2203 | 180  | Multiple dependent claims, if not paid                           |
| 1204 | 200  | 2204 | 100  | Reissue: each claim over 20 and more than in the original patent |
| 1205 | 50   | 2205 | 25   | Reissue: each independent claim more than in the original patent |

|   | Extra Claims          | Fee               | Fees Paid (\$) |
|---|-----------------------|-------------------|----------------|
| Total Claims  | 35 - 20 or HP(43) = 0 | X                 | =              |
| HP = highest number of total claims paid for, if greater than 20      |                       |                   |                |
| Independent Claims  | 5 - 3 or HP(11) = 0   | X                 | =              |
| HP = highest number of independent claims paid for, if greater than 3 |                       |                   |                |
| Multiple Dependent Claims   |                       |                   | =              |
|   |                       | SUBTOTAL (2) \$ 0 |                |

**3. APPLICATION SIZE FEE**

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 C.F.R. 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

| Total Sheets | Extra Sheets | Number of each additional<br>50 or fraction thereof | Fee from<br>below               | Fees paid (\$) |
|--------------|--------------|---|---------------------------------|----------------|
|              | - 100 =      | / 50 =  | (round up to whole number) X \$ |                |

**Large Entity**      **Small Entity**

| Fee  | Fee  | Fee  | Fee  |
|------|------|------|------|
| Code | (\$) | Code | (\$) |
| 1081 | 250  | 2081 | 125  |
| 1082 | 250  | 2082 | 125  |
| 1083 | 250  | 2083 | 125  |
| 1084 | 250  | 2084 | 125  |

**Fee Description:** Application size fee for each additional group of 50 sheets beyond initial 100 sheets (count spec & drawings except sequences & program listings):

|      |     |      |     |         |
|------|-----|------|-----|---------|
| 1081 | 250 | 2081 | 125 | Utility |
| 1082 | 250 | 2082 | 125 | Design  |
| 1083 | 250 | 2083 | 125 | Plant   |
| 1084 | 250 | 2084 | 125 | Reissue |

SUBTOTAL (3) \$ 0

**FEE CALCULATION (continued)****4. OTHER FEE(S)****Fees Paid (\$)**

Non-English Specification, \$130 fee (no small entity discount)

| <u>Large Entity</u> |                 | <u>Small Entity</u> |                 | <u>Fee Description</u>   |     |
|---------------------|-----------------|---------------------|-----------------|--|-----|
| <u>Fee Code</u>     | <u>Fee (\$)</u> | <u>Fee Code</u>     | <u>Fee (\$)</u> |  |     |
| 1051                | 130             | 2051                | 65              | Surcharge - late filing fee or oath  |     |
| 1052                | 50              | 2052                | 25              | Surcharge - late provisional filing fee or cover sheet                     |     |
| 1053                | 130             | 1053                | 130             | Non-English specification  |     |
| 1812                | 2,520           | 1812                | 2,520           | For filing a request for ex parte reexamination                            |     |
| 1813                | 8,800           | 1813                | 8,800           | Request for inter parties reexamination                                    |     |
| 1804                | 920*            | 1804                | 920*            | Requesting publication of SIR prior to Examiner action                     |     |
| 1805                | 1,840*          | 1805                | 1,840*          | Requesting publication of SIR after Examiner action                        |     |
| 1251                | 120             | 2251                | 60              | Extension for reply within first month                                     |     |
| 1252                | 450             | 2252                | 225             | Extension for reply within second month                                    |     |
| 1253                | 1,020           | 2253                | 510             | Extension for reply within third month                                     |     |
| 1254                | 1,590           | 2254                | 795             | Extension for reply within fourth month                                    |     |
| 1255                | 2,160           | 2255                | 1,080           | Extension for reply within fifth month                                     |     |
| 1401                | 500             | 2401                | 250             | Notice of Appeal   |     |
| 1402                | 500             | 2402                | 250             | Filing a brief in support of an appeal                                     |     |
| 1403                | 1,000           | 2403                | 500             | Request for oral hearing   |     |
| 1451                | 1,510           | 1451                | 1,510           | Petition to institute a public use proceeding                              |     |
| 1452                | 500             | 2452                | 250             | Petition to revive - unavoidable   |     |
| 1453                | 1,500           | 2453                | 750             | Petition to revive - unintentional   |     |
| 1501                | 1,400           | 2501                | 700             | Utility issue fee (or reissue)   |     |
| 1502                | 800             | 2502                | 400             | Design issue fee   |     |
| 1503                | 1100            | 2503                | 550             | Plant issue fee  |     |
| 1462                | 400             | 1462                | 400             | Petitions to the Commissioner (CFR 1.17(f) Group I)                        |     |
| 1463                | 200             | 1463                | 200             | Petitions to the Commissioner (CFR 1.17(g) Group II)                       |     |
| 1464                | 130             | 1464                | 130             | Petitions to the Commissioner (CFR 1.17(h) Group III)                      |     |
| 1807                | 50              | 1807                | 50              | Processing fee under 37 CFR 1.17(q)  |     |
| 1806                | 180             | 1806                | 180             | Submission of Information Disclosure Stmt                                  |     |
| 8021                | 40              | 8021                | 40              | Recording each patent assignment per property (times number of properties) |     |
| 1809                | 790             | 2809                | 395             | For filing a submission after final rejection (see 37 CFR 1.129(a))        |     |
| 1814                | 130             | 2814                | 65              | Statutory Disclaimer   |     |
| 1810                | 790             | 2810                | 395             | For each additional invention to be examined (see 37 CFR 1.129(b))         |     |
| 1801                | 790             | 2801                | 395             | Request for Continued Examination (RCE)                                    | 790 |
| 1802                | 900             | 1802                | 900             | Request for expedited examination of a design application                  |     |
| 1504                | 300             | 1504                | 300             | Publication fee for early, voluntary, or normal pub.                       |     |
| 1505                | 300             | 1505                | 300             | Publication fee for republication  |     |
| 1803                | 130             | 1803                | 130             | Request for voluntary publication or republication                         |     |
| 1808                | 130             | 1808                | 130             | Processing fee under 37 CFR 1.17(i) (except provisionals)                  |     |
| 1454                | 1,370           | 1454                | 1,370           | Acceptance of unintentionally delayed claim for priority                   |     |

Other fee (specify) \_\_\_\_\_

Other fee (specify) \_\_\_\_\_

**SUBTOTAL (4) \$ 790**

\*Reduced by Basic Filing Fee Paid

**SUBMITTED BY:**Typed or Printed Name: Jordan M. BeckerSignature: Date: April 10, 2007Reg. Number: 39,602Telephone Number: 408-720-8300

Send to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450